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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,517	10/09/2001	Kazuyuki Matsumoto	CU-2683 RJS	6373
26530	7590	07/19/2004	EXAMINER	
LADAS & PARRY 224 SOUTH MICHIGAN AVENUE, SUITE 1200 CHICAGO, IL 60604			LORENZO, JERRY A	
			ART UNIT	PAPER NUMBER

1734

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/973,517	MATSUMOTO, KAZUYUKI	
	Examiner	Art Unit	
	Jerry A Lorengo	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

(1)

Election/Restrictions

Applicant's election of Group I, claims 1-5 in the paper filed April 5, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

(2)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,071,443 to Osawa et al. in view of U.S. Patent No. 3,382,956 to Warino et al. in view of JP 09-123240 to Murakami.

Regarding applicant claim 1, Osawa et al. disclose a method of applying a resin for forming a lens sheet comprising the steps of (Figure 6; column 6, lines 15-26) :

(1) Applying a first amount of ionizing radiation curing type resin (hereinafter "IRCTR") 3 in the form of a liquid onto the entire upper (outward) surface of a forming die 1 through a

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multiple nozzle dispenser 2 to form a first uncured resin layer on the upper (outward) surface of the forming die 1;

(2) Applying a second amount of IRTCR in the form of a liquid by die head 10 and base material 5 onto one side (the exposed side) of the first amount of IRTCR to form an uncured resin pool 4 thereon; and

(3) Spreading the uncured resin pool 4 from one side of the first uncured resin layer by the action of pressure roll 6 to form a second uncured resin layer on the first uncured resin layer. The method of Osawa et al. is illustrated below:

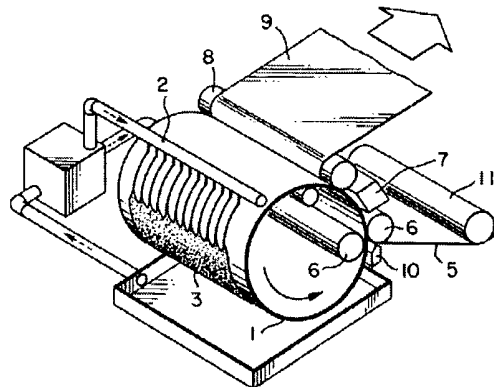
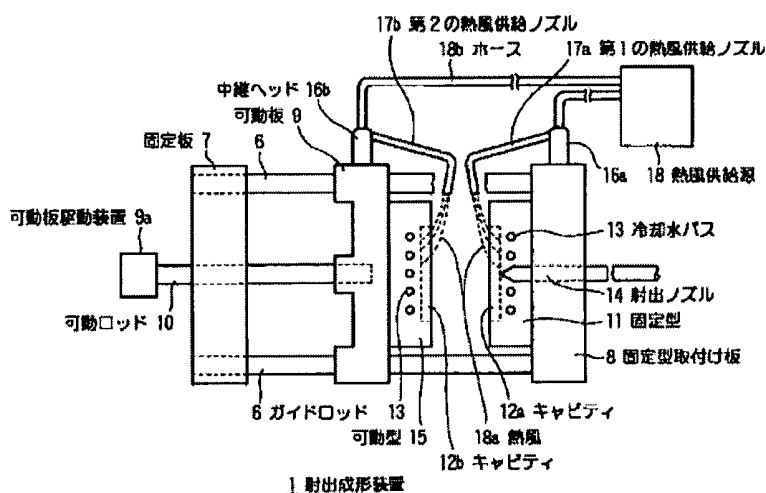


FIG. 6

Although Osawa et al. is silent as to the temperature regime provides to the forming roll, Warino et al., also drawn to methods for the formation of lens sheets by cast molding, disclose that it is known to provide temperature control to the forming die in order to decrease non-uniform orientation and non-uniform cooling and avoid the formation of weld marks, cool resin marks flow marks and the like (column 6, line 14 to column 8, line 40). Finally, although neither Osawa et al. nor Warino et al. specifically disclose, as per applicant claim 1, that the temperature of the forming die is adjusted to a prescribed temperature by the blowing of hot air thereon, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the method of Osawa et al. with a forming die heating step, as suggested by Warino et al., through the use of hot air blown into the forming die motivated by the fact that Murakami et al., also drawn to molding methodologies, disclose that the blowing of hot air onto the surface of the

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molding die followed by the provision of a moldable rein thereon reduces the production of weld lines (Figure 1; abstract), an aspect which the skilled artisan would have appreciated is particularly important in the formation of lens sheets where molded article uniformity is paramount. The method of Murakami et al. is illustrated below:



Regarding applicant claim 2, Osawa et al. disclose that the uncured resin pool may be formed through the use of a multiple nozzle (column 5, lines 40-42).

(3)

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as combined in section (2), above, in further view of U.S. Patent No. 4,775,739 to Hasuo et al.

Although the references as combined in section (1), above, do not specifically disclose that the IRTCR is subjected to a step of temperature adjustment before application, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the method resulting from the references as combined motivated by the fact that Hasuo et al., also drawn to resin materials suitable for the formation of molded optical material, disclose that the adjustment of resin temperature during molding is known to improve resin transferability and minimize the optical distortion of the resin in the molded article (column 1, lines 5-64).

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(4)

Response to Amendments and Arguments

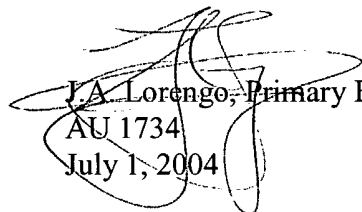
The amendments and arguments filed April 5, 2004 are acknowledged. In response to the amendments to applicant claims 1 and 2, a new grounds of rejection has been established. As such, the Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

(5)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry A Lorengo whose telephone number is (571) 272-1233. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J.A. Lorengo, Primary Examiner
AU 1734
July 1, 2004